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Gov. Doc.

Second Session, Twenty-Second Parliament, 3-4 Elizabeth II, 1955.

THE SENATE OF CANADA

BILL C.

An Act to amend the Precious Metals Marking Act.

AS PASSED BY THE SENATE, 30th MARCH, 1955.

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EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955

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THE SENATE OF CANADA

BILL C.

An Act to amend the Precious Metals Marking Act.

R.S., c. 215.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Subsection (3) of section 6 of the *Precious Metals Marking Act*, chapter 215 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor: 5

Article with
quality mark
also to have
trade mark.

"(3) A gold article, silver article, platinum article or palladium article that has applied to it a quality mark shall also have applied to it a trade mark registered under the *Unfair Competition Act* or registered under the *Trade Marks Act*, or a trade mark in respect of which application for registration has been made under either of the said Acts, and, where the quality mark is stamped, branded, engraved or imprinted upon the article, such trade mark shall also be stamped, branded, engraved or imprinted upon the 15 article."

2. (1) Paragraphs (b) and (c) of subsection (8) of section 9 of the said Act are repealed and the following substituted therefor:

"(b) to a bracelet watch case, the bezel, centre, lugs and 20 back of which, or, if there is no centre, the bezel, lugs and back of which, are made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if the sheet of gold is not less than three one-thousandths of 25 an inch in thickness;

(c) to a bracelet watch case, the bezel, centre and lugs of which are made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if 30

(i) the sheet of gold is not less than three one-thousandths of an inch in thickness,

EXPLANATORY NOTES.

1. Subsection (3) of section 6 now reads:

"(3) A gold article, silver article, platinum article or palladium article that has applied to it a quality mark shall also have applied to it a trade mark registered under the *Unfair Competition Act*, or a trade mark in respect of which application for registration has been made under that Act, and where the quality mark is stamped, branded, engraved or imprinted upon the article, such trade mark shall also be stamped, branded, engraved or imprinted upon the article."

It is necessary to refer to trade marks that are registered or applied for under the *Trade Marks Act* which came into force on July 1, 1954, as well as to those that were registered or applied for under the *Unfair Competition Act*.

2. (1) Paragraphs (b) and (c) of subsection (8) of section 9 now read:

- "(b) to a bracelet watch case, the bezel, centre, lugs and back of which are made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if the sheet of gold is not less than three one-thousandths of an inch in thickness; and
- (c) to a bracelet watch case other than that described in paragraph (b), the bezel, centre, lugs or back of which is made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if
 - (i) the sheet of gold is not less than three one-thousandths of an inch in thickness,
 - (ii) the said marks are legibly stamped, branded, engraved or imprinted upon the outer surface of the parts of the case to which such sheet of gold has been so soldered or brazed, and
 - (iii) the mark 'base metal' is legibly stamped, branded, engraved or imprinted upon the outer surface of the parts of the case to which such sheet of gold has not been so soldered or brazed."

These paragraphs relate to the placing of quality marks on the gold filled parts of bracelet watch cases and the mark "base metal" on those parts that are not gold filled. Since these parts are frequently of small size and their marking would result in damage to them or would be difficult to read, this section provides for the alternative of placing suitable marks on the back of a bracelet watch case.

- (ii) the said marks are legibly stamped, branded, engraved or imprinted upon the outer surface of the bezel and centre or upon the outer surface of the back of the case, and
- (iii) the mark "base metal back" is legibly stamped, 5
branded, engraved or imprinted upon the outer surface of the back of the case; and
- (d) to a bracelet watch case, the bezel of which is made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet 10
of inferior metal, if
 - (i) the sheet of gold is not less than three one-thousandths of an inch in thickness,
 - (ii) the said marks are legibly stamped, branded, engraved or imprinted upon the outer surface of 15
the bezel or, together with the mark "bezel", upon the outer surface of the back of the case, and
 - (iii) the mark "base metal" is legibly stamped, branded, engraved or imprinted upon the outer 20
surface of the back of the case."
- (2) Paragraphs (b) and (c) of subsection (9) of section 9 of the said Act are repealed and the following substituted therefor:
 - "(b) to a bracelet watch case, the bezel, centre, lugs and 25
back of which, or, if there is no centre, the bezel, lugs and back of which, are made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if the sheet of gold is not less than one and one-half thous- 30
andths of an inch in thickness;
 - (c) to a bracelet watch case, the bezel, centre and lugs of which are made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if 35
 - (i) the sheet of gold is not less than one and one-half thousandths of an inch in thickness,
 - (ii) the said marks are legibly stamped, branded, engraved or imprinted upon the outer surface of the bezel and centre or upon the outer surface of 40
the back of the case, and
 - (iii) the mark "base metal back" is legibly stamped, branded, engraved or imprinted upon the outer surface of the back of the case; and
 - (d) to a bracelet watch case, the bezel of which is made 45
of one sheet of gold of a standard not less than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if
 - (i) the sheet of gold is not less than one and one-half thousandths of an inch in thickness, 50

2. (2) Paragraphs (b) and (c) of subsection (9) of section 9 now read:

- “(b) to a bracelet watch case, the bezel, centre, lugs and back of which are made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if the sheet of gold is not less than one and one-half thousandths of an inch in thickness; and
- (c) to a bracelet watch case other than that described in paragraph (b), the bezel, centre, lugs or back of which is made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if
 - (i) the sheet of gold is not less than one and one-half thousandths of an inch in thickness,
 - (ii) the said marks are legibly stamped, branded, engraved or imprinted upon the outer surface of the parts of the case to which such sheet of gold has been so soldered or brazed, and
 - (iii) the mark ‘base metal’ is legibly stamped, branded, engraved or imprinted upon the outer surface of the parts of the case to which such sheet has not been so soldered or brazed.”

The purpose of this section, which has reference to watch cases with gold plated parts, is the same as that described for section 2(1) with reference to gold filled watch cases.

(ii) the said marks are legibly stamped, branded, engraved or imprinted upon the outer surface of the bezel or, together with the mark "bezel", upon the outer surface of the back of the case, and

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(iii) the mark "base metal" is legibly stamped, branded, engraved or imprinted upon the outer surface of the back of the case."

(3) Subsection (14) of section 9 of the said Act is repealed and the following substituted therefor:

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Plated
article with
quality mark
also to have
trade mark
applied.

"(14) A plated article that has applied to it a quality mark shall also have applied to it a trade mark registered under the *Unfair Competition Act* or registered under the *Trade Marks Act*, or a trade mark in respect of which application for registration has been made under either of the said Acts and where the quality mark is stamped, branded, engraved or imprinted upon the article, such trade mark shall also be stamped, branded, engraved or imprinted upon the article."

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3. Subsection (4) of section 10 of the said Act is repealed and the following substituted therefor:

Article with
quality mark
also to have
trade mark
applied.

"(4) An article that has applied to it a quality mark shall also have applied to it a trade mark registered under the *Unfair Competition Act* or registered under the *Trade Marks Act*, or a trade mark in respect of which application for registration has been made under either of the said Acts, and, where the quality mark is stamped, branded, engraved or imprinted upon the article, such trade mark shall also be stamped, branded, engraved or imprinted upon the article."

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4. Subsection (3) of section 11 of the said Act is repealed and the following substituted therefor:

Trade mark
to be
applied.

"(3) Every article shall have stamped, branded, engraved or imprinted upon it a trade mark registered under the *Unfair Competition Act* or registered under the *Trade Marks Act*, or a trade mark in respect of which application for registration has been made under either of the said Acts."

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2. (3) Subsection (14) of section 9 now reads:

"(14) A plated article that has applied to it a quality mark shall also have applied to it a trade mark registered under the *Unfair Competition Act*, or a trade mark in respect of which application for registration has been made under that Act, and where the quality mark is stamped, branded, engraved or imprinted upon the article, such trade mark shall also be stamped, branded, engraved or imprinted upon the article."

This section has the same purpose as that described for section 1.

3. Subsection (4) of section 10 now reads:

"(4) An article that has applied to it a quality mark shall also have applied to it a trade mark registered under the *Unfair Competition Act*, or a trade mark in respect of which application for registration has been made under that Act, and where the quality mark is stamped, branded, engraved or imprinted upon the article, such trade mark shall also be stamped, branded, engraved or imprinted upon the article."

This section has the same purpose as that described for section 1.

4. Subsection (3) of section 11 now reads:

"(3) Every article shall have stamped, branded, engraved or imprinted upon it a trade mark registered under the *Unfair Competition Act*, or a trade mark in respect of which application for registration has been made under that Act."

This section has the same purpose as that described for section 1.